

28236

PATENT TRADEMARK OFFICE

PATENT

Docket No.  
D-43260-04

Commissioner for Patents  
Box PATENT APPLICATION  
Washington, D.C. 20231

**Transmittal of Continuing Application Pursuant to 37 C.F.R. § 1.53(b)**

Please file a ☐ continuation ☒ divisional ☐ continuation-in-part application of pending prior patent application no 09/410,353, filed on 09-30-99.

of Timothy G. Caudle

entitled **CONTOURED POUCH WITH POURABLE SPOUT, AND APPARATUS AND PROCESS FOR PRODUCING SAME**

1. The enclosed application papers are a true copy of the prior application as filed including the specification, claims, drawings, and oath or declaration.
2. Amend the specification by inserting, just after the title: "This is a divisional of application no. 09/410,353, filed on 09-30-99."
3. A preliminary amendment is enclosed.
4. Cancel claims 1-49.
5. Sixteen (16) sheets of formal drawings are enclosed.
6. An assignment is of record in the prior application.
7. A power of attorney is of record in the prior application.
8. Enclosed is an Information Disclosure Statement, Form PTO 1449.

The fees for filing the application and recording the assignment (if indicated) are computed as follows:

| Claims As Filed   |                     |                     |             |               |
|---|---------------------|---------------------|-------------|---------------|
| (1)<br>For  | (2)<br>Number Filed | (3)<br>Number Extra | (4)<br>Rate | (5)<br>Totals |
| Basic fee   | N/A                 | N/A                 | \$710.      | \$710.        |
| Total claims  | 6 - 20 =            |                     | × \$18.     |               |
| Independent claims  | 3 - 3 =             | 0                   | × \$80.     |               |
| Additional fee for filing one or more multiple dependent claims |                     |                     | \$270.      |               |
| Assignment recording fee  |                     |                     | \$40.       |               |
| Total amount due  |                     |                     |             | \$710.        |

☒ The USPTO is authorized to charge the amount shown above to Deposit Account No. 07-1765. Also, during the pendency of this application, please charge any fees incurred and credit any overpayments made to that same Deposit Account.

☒ Kindly address all correspondence relating to this application to the undersigned attorney at the following address:

Cryovac, Inc.  
P.O. Box 464  
Duncan, SC 29334

|                               |                                  |
|-------------------------------|----------------------------------|
| Registration Number<br>30,484 | Telephone Number<br>864/433-2817 |
| Date<br>May 1, 2001           |                                  |

|                                   |
|-----------------------------------|
| Signature<br><i>Mark B. Quatt</i> |
| Print Name<br>Mark B. Quatt       |

**Certificate of Express Mailing**

☒ Under 37 C.F.R. § 1.10, I certify that this application is being deposited, on the date indicated below, with the United States Postal Service "Express Mail Post Office to Addressee" service addressed to the Commissioner for Patents, Washington, D.C. 20231.

|   |
|---|
| Express Mail Mailing Label No.<br>EK565877793US |
| Date of Deposit<br>5-1-01                       |

App/Tr-Continuing (9/98)

|  |
|--|
| Signature of Person Making Certification<br><i>Margaret B. White</i> |
| Printed Name of Person Making Certification<br>Margaret B. White     |

09/846714  
JC986 U.S. PTO  
05/01/01

DOCKET NO. : 43260-01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Timothy G. Caudle

Serial No.: Not yet assigned

Group Art Unit: Not yet assigned

Filing Date: Herewith

Examiner: Not yet assigned

For: Contoured Pouch With Pourable Spout, and Apparatus and Process for Producing Same

EXPRESS MAIL LABEL NO: EL140128864US

DATE OF DEPOSIT: September 30, 1999

Box ☒ Patent Application  
☐ Provisional ☐ Design

Assistant Commissioner for Patents  
Washington DC 20231

Sir:

PATENT APPLICATION TRANSMITTAL LETTER

Transmitted herewith for filing, please find

☒ A Utility Patent Application under 37 C.F.R. 1.53(b).

It is a continuing application, as follows:

☐ continuation ☐ divisional ☐ continuation-in-part of prior application number  
\_\_\_\_/\_\_\_\_.

☐ A Provisional Patent Application under 37 C.F.R. 1.53(c).

☐ A Design Patent Application (submitted in duplicate).

Including the following:

☐ Provisional Application Cover Sheet.

☒ New or Revised Specification, including pages 1 to 23 containing:

☒ Specification

☒ Claims

☒ Abstract

☐ Substitute Specification, including Claims and Abstract.

☐ The present application is a continuation application of Application No. \_\_\_\_\_ filed \_\_\_\_\_. The present application includes the Specification of the parent application which has been revised in accordance with the amendments filed in the parent application. Since none of those amendments incorporate new matter into the parent application, the present revised Specification also does not include new matter.

☐ The present application is a continuation application of Application No. \_\_\_\_\_ filed \_\_\_\_\_, which in turn is a continuation-in-part of Application No. \_\_\_\_\_ filed \_\_\_\_\_. The present application includes the Specification of the parent application which has been revised in accordance with the amendments filed in the parent application. Although the amendments in the parent C-I-P application may have incorporated new matter, since those are the only revisions included in the present application, the present application includes no new matter in relation to the parent application.

☐ A copy of earlier application Serial No. \_\_\_\_\_ Filed \_\_\_\_\_, including Specification, Claims and Abstract (pages 1 - @@), to which no new matter has been added TOGETHER WITH a copy of the executed oath or declaration for such earlier application and all drawings and appendices. Such earlier application is hereby incorporated into the present application by reference.

☐ Please enter the following amendment to the Specification under the Cross-Reference to Related Applications section (or create such a section) : "This Application:

☐ is a continuation of ☐ is a divisional of ☐ claims benefit of U.S. provisional Application Serial No. \_\_\_\_\_ filed \_\_\_\_\_

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☐ Signed Statement attached deleting inventor(s) named in the prior application.

☐ A Preliminary Amendment.

☒ 16 Sheets of ☐ Formal ☒ Informal Drawings.

☐ Petition to Accept Photographic Drawings.

☐ Petition Fee

☒ An ☐ Executed ☒ Unexecuted Declaration or Oath and Power of Attorney.

☐ An Associate Power of Attorney.

☐ An ☐ Executed ☐ Copy of Executed Assignment of the Invention to \_\_\_\_\_

☐ A Recordation Form Cover Sheet.

☐ Recordation Fee - \$40.00.

☐ The prior application is assigned of record to \_\_\_\_\_

☐ Priority is claimed under 35 U.S.C. § 119 of Patent Application No. \_\_\_\_\_  
filed \_\_\_\_\_ in \_\_\_\_\_ (country).

☐ A Certified Copy of each of the above applications for which priority is  
claimed:

☐ is enclosed.

☐ has been filed in prior application Serial No. \_\_\_\_\_ filed \_\_\_\_\_.

☐ An ☐ Executed or ☐ Copy of Executed Earlier Statement Claiming Small Entity  
Status under 37 C.F.R. 1.9 and 1.27

☐ is enclosed.

☐ has been filed in prior application Serial No. \_\_\_\_\_ filed \_\_\_\_\_,  
said status is still proper and desired in present case.

☐ Diskette Containing DNA/Amino Acid Sequence Information.

- ☐ Statement to Support Submission of DNA/Amino Acid Sequence Information.
- ☐ The computer readable form in this application \_\_\_\_\_, is identical with that filed in Application Serial Number \_\_\_\_\_, filed \_\_\_\_\_. In accordance with 37 CFR 1.821(e), please use the ☐ first-filed, ☐ last-filed or ☐ only computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant application. A paper copy of the Sequence Listing is ☐ included in the originally-filed specification of the instant application. ☐ included in a separately filed preliminary amendment for incorporation into the specification.
- ☐ Information Disclosure Statement.
- ☐ Attached Form 1449.
- ☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.
- ☐ A copy of Petition for Extension of Time as filed in the prior case.
- ☐ Appended Material as follows: \_\_\_\_\_
- ☒ Return Receipt Postcard (should be specifically itemized).
- ☐ Other as follows: \_\_\_\_\_

## CALCULATION:

- ☐ Cancel in this application original claims \_\_\_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

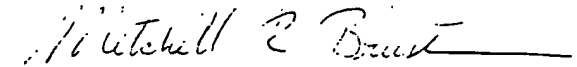
|  |           |           |           | SMALL ENTITY |           | NOT SMALL ENTITY |            |
|--|-----------|-----------|-----------|--------------|-----------|------------------|------------|
|  |           |           |           | RATE         | FEE       | RATE             | FEE        |
| PROVISIONAL APPLICATION  |           |           |           | \$75.00      | \$        | \$150.00         | \$ 0.00    |
| DESIGN APPLICATION   |           |           |           | \$155.00     | \$        | \$310.00         | \$ 0.00    |
| UTILITY APPLICATIONS BASE FEE  |           |           |           | \$380.00     | \$        | \$760.00         | \$760.00   |
| UTILITY APPLICATION: ALL CLAIMS CALCULATED AFTER ENTRY OF ALL AMENDMENTS |           |           |           |              |           |                  |            |
|  | No. Filed | No. Extra |           |              |           |                  |            |
| TOTAL CLAIMS   | 49- 20 =  | 29        | \$9 each  | \$           | \$18 each | \$522.00         |            |
| INDEP. CLAIMS  | 11- 3 =   | 8         | \$39 each | \$           | \$78 each | \$624.00         |            |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM                           |           |           |           | \$130        | \$        | \$260            | \$ 0.00    |
| ADDITIONAL FILING FEE  |           |           |           |              | \$        |                  | \$ 0.00    |
| TOTAL FILING FEE DUE   |           |           |           |              | \$        |                  | \$1,906.00 |

- ☒ A Check is enclosed in the amount of \$ 1,906.00.
- ☒ The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to deposit account 23-3050. This sheet is provided in duplicate.
- ☒ The foregoing amount due.
- ☒ Any additional filing fees required, including fees for the presentation of extra claims under 37 C.F.R. 1.16.
- ☒ Any additional patent application processing fees under 37 C.F.R. 1.17 or 1.20(d).
- ☐ The issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance.
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or

any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to deposit account 23-3050. This sheet is provided in duplicate.

**SHOULD ANY DEFICIENCIES APPEAR** with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date:



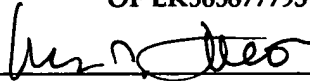
Mitchell R. Brustein

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SAID ENVELOPE HAVING AN EXPRESS MAIL NUMBER  
OF EK565877793US



Mark B. Quatt  
Registration No. 30,484

5-1-01

DATE

JC986 U.S. PTO  
09/846714  
05/01/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|  |                    |
|--|--------------------|
| APPLICANT: Caudle  | GROUP ART UNIT:    |
| PRIOR SERIAL NO.: 09/410,353   | EXAMINER:          |
| PRIOR FILING DATE: 09-30-99  | DOCKET: D 43260-04 |
| TITLE: CONTOURED POUCH WITH POURABLE SPOUT AND<br>APPARATUS AND PROCESS FOR PRODUCING SAME |                    |

SUBMISSION OF FORMAL DRAWINGS

Attn: Draftsperson  
Commissioner For Patents  
Washington, D.C. 20231

Sir:

Enclosed are sixteen (16) sheets of formal drawings (Figures 1-19) for filing in  
the above-referenced case.

Respectfully submitted,



Mark B. Quatt  
Attorney for Applicant  
Registration No. 30,484

CRYOVAC, INC.  
P.O. Box 464  
Duncan, S.C. 29334  
(864) 433-2817

5-1-01

DATE